



MAR 15 1999

Ms. Rochelle Brown
Director of Public Affairs, Corporate and Brand Affairs
Nestle, U.S.A., Inc.
800 N. Brand Boulevard
Glendale, California 91203

Dear Ms. Brown:

Some time ago, I spoke with Nestle and discussed issues with you concerning the stay of the effective date for use of the term "healthy." Today, I wish to inform you that we are extending the partial stay of the effective date until January 1, 2003. The comments in response to the Advanced Notice of Proposed Rulemaking (ANPRM), which published on December 30, 1997 (62 FR 67771), presented strong and opposing views on whether the Food and Drug Administration should let the second-tier sodium levels take effect.

After reviewing the comments and making an assessment of the number of foods labeled as "healthy," we concluded that reevaluation and amendment of the definition might be necessary. To provide us with adequate time to consider this issue, we have decided to extend the effective date an additional three years.

We also wanted you to know that because use of the term "healthy" is not among the issues identified in CFSAN's 1999 program priorities list, it is not likely that we will publish a proposed position during the next 12 months, but a proposal will be considered for the year 2000 plan. The comments that you made, both at our recent meeting and in response to the ANPRM, will be considered and incorporated in any proposal. I enjoyed the chance to meet and discuss these issues with you. I apologize for the time it has taken to reach this decision.

Sincerely yours,

Joseph Levitt
Director
Center for Food Safety
and Applied Nutrition

91N-384H

LET8

Page 2 - Ms. Rochelle Brown

cc:

Mr. Steven B. Steinborn
Hogan & Hartson
555 13th Street, N.W.
Washington, DC 20004

CROSS FILE SHEET

File Number: 96P-0500/LET5

See File Number: 91N-384H/LET8